Alberta
ENVIRONMENT

ENFORCEMENT OF THE

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

And

WATER ACT

1 Jan 2005 - 31 Mar 2005

May 2005
Regional Services
Alberta Environment

Alberta
ENVIRONMENT

Enforcement Actions

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Administrative Penalties

Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Celanese Canada Inc.	Edmonton Plan 5725RS, Lot E Plan 8323217, Lot 1&2 17-53-23-W4	22-Feb-05 Assessed: $5,500.00	AEPEA(R) 227(e)	The Company operates a petrochemical manufacturing plant pursuant to an Approval. It contravened its Approval when it failed to ensure that all pollution abatement equipment and monitoring systems were operating effectively and efficiently when the associated process equipment was in operation (being the failure to ensure that the Loading Vent Scrubber on the MS Unit was being provided with the necessary water for effective methanol removal); it caused the emission of methanol to exceed the Approval limit; and it failed to contact Alberta Environment immediately after the contravention of a term or condition of the Approval (being the failure to immediately report the exceedence of the methanol emissions limits set out in the Approval). Paid 31 March 2005.
Getkate Construction (1976) Ltd.	Vulcan County SE-33-20-23-W4	10-Mar-05 Assessed: $10,000.00	AEPEA(R) 110(1),109(2)	Getkate Construction (1976) Ltd. specializes in various infrastructure construction projects. It released or permitted the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect, being the permitting of the release of sediment into the environment of East Arrowwood Creek, at a level that may cause a significant adverse effect on longnose dace; and Getkate Construction (1976) Ltd. failed to report to the Director the release of a substance, being a person who releases or causes or permits the release of the substance into the environment that may cause, is causing or has caused an adverse effect, and who knows or ought to know of the release, being Getkate Construction (1976) Ltd.'s failure to report to the Director the fact that it permitted the release of silt and sediment to East Arrowwood Creek, which silt and sediment may have caused an adverse effect on the environment of East Arrowwood Creek. Paid 31 March 2005.
Petrofund Corp.	Special Area 4 32-32-6-W4	15-Mar-05 Assessed: $1,500.00	AEPEA(R) 227(e)	The Company operates the Grays Lake sour gas processing plant pursuant to an Approval. It contravened its Approval by submitting the 2003 Annual Industrial Wastewater Report late, and submitting the 2003 Annual Air Emissions Summary and Evaluation Report late. Paid 8 April 2005.

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Administrative Penalties				
Petrofund Corp.	MD of Provost 12-40-4-W4	15-Mar-05 Assessed: $1,500.00	AEPEA(R) 227(e)	The Company operates the Provost sour gas plant for the processing of natural gas pursuant to an Approval. It contravened its Approval by submitting the 2003 Annual Industrial Wastewater Report late, and submitting the 2003 Annual Air Emissions Summary and Evaluation Report late. Paid 8 April 2005.

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Emergency Environmental Protection Orders

No Activity

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Enforcement Orders				
Agrimax Ltd.	MD of Rocky View NE-33-27-26-W4	25-Jan-05	AEPEA(R) 210(1)	The Company owns and operates a sulphur processing plant pursuant to an Approval. It contravened its Approval by failing to submit the monthly Air Emissions Summary Report for February 2003, October 2003, and November 2003; failing to submit the 2002 and 2003 Annual Air Emissions Summary and Evaluation Report; failing to submit the 2002 and 2003 Annual Groundwater Monitoring Summary Report. The reports had not been submitted because the Company was under financial strain and was unable to resolve its financial issues. In March 2004, an inspection was conducted on the facility. A letter was sent to the Company outlining all the reporting and monitoring deficiencies. The letter further outlined all of the outstanding requirements of the Approval, required the Company to come into immediate compliance, and required the Company to provide a written response that described the steps it would take to come into compliance with the Approval. A letter was received from the Company, which stated that it had experienced financial problems over the past two years and the failure to pay its consultants and the analytical laboratory resulted in the Company's failure to submit the outstanding reports. The letter further stated that the required stack surveys had not been conducted due to sporadic operation of the plant, and the failure to conduct the required bacteriological sampling of drinking water in March 2004 was as a result of the Company's failure to pay its courier, however sampling had now resumed. In November 2004, the Company met with Alberta Environment and provided a letter that confirmed that although the Company was now complying with all of the 2004 approval requirements, it was still unable to pay its consultants and as such could not submit the missing reports. The Company was unable to say when compliance would be achieved. The company shall immediately submit the outstanding reports; immediately comply with each and every term and condition set out in the Approval; and submit a written report how the Company has complied with the requirements of the Approval and how they will continue to comply with the Approval.
Agrimax Ltd.	MD of Rocky View NE-33-27-26-W4	25-Jan-05	WA 142(1)(e)	The Company owns and operates a sulphur processing plant pursuant to a Licence. It is a requirement of the Licence to submit an Annual Return. At an inspection of the facility, Alberta Environment requested copies of the 2002 and

Enforcement Orders

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				2003 Annual Returns. The Company was unable to provide the reports. The Company had experience financial problems over the past two years and the failure to pay its consultants resulted in the company's failure to submit the outstanding reports. Alberta Environment has never received the required 2002 and 2003 Annual Reports. The Company shall immediately submit the 2002 and 2003 Annual Returns.
565343 Alberta Ltd. operating as Hillside Poultry Farms (1993)	County of Grande Prairie SE-30-71-8-W6	03-Feb-05	AEPEA(R) 227(e)	565343 Alberta Ltd is the current declarant of Hillside Poultry Farms (1993). The Company operates a poultry processing plant pursuant to an Approval. The facility is comprised of, in part, an Industrial Wastewater Control System (IWCS) and an on-site landfill for the disposal of feathers. A routine inspection of the facility was conducted to evaluate compliance with the terms and conditions of the Approval. The inspector noted that required continuous monthly and annual sampling of the IWCS had not been conducted, the 2001 Annual IWCS Report had not been submitted, and the proposal assessing and making recommendations of the future operation of the IWCS and Feather Landfill had not been submitted. An inspection report along with a letter requiring the Company to immediately take all steps necessary to comply with the Approval, and a request to the Company to provide a written statement as to the action taken to remedy the contraventions was sent to the Company. The Company collected a sample of water and had it analyzed for some, but not all, parameters. This sample met the monthly monitoring requirements and partially met the semi-annual monitoring requirements. An additional inspection identified that the inert waste burner was being used for the burning of plastics, which are not inert wastes, and advised that plastics must be disposed of at an approved landfill. Alberta Environment was advised that the Company did not intend to comply with the Approval because it was cost prohibitive and inconsistent with the approvals of other similar facilities. The Company shall immediately submit the outstanding Annual IWCS Reports; immediately comply with clause 4.3.6 of the Approval; immediately submit the proposal described in clause 4.3.9; immediately cease burning of all plastic and non-inert waste; dispose of plastic and other non-inert waste at an approved waste facility; obtain records for each and every disposal

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Enforcement Orders				
				made for a period of at least three years; and submit written monthly reports until otherwise advised in writing by Alberta Environment.

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Enforcement Orders for Waste

No Activity

Environmental Protection Orders

Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Trekelano Resources Ltd.	Vulcan County SE-13-16-24-W4 Mountain View County NW-6-29-3-W5	24-Jan-05	AEPEA(R) 140,113	The Company was licenced or otherwise authorized by the Alberta Energy and Utilities Board to operate wells. The Alberta Energy and Utilities Board issued an Abandonment Order, the surface access was terminated by the Surface Rights Board, and Alberta Environment has not issued a reclamation certificate. Whereas Alberta Environment is of the opinion that work is necessary to conserve and reclaim the sites. Alberta Environment is of the opinion that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan; submit and implement a Remedial Plan; submit and implement a Reclamation Plan; and apply for a reclamation certificate once they have met the criteria.
Magna Petroleums Ltd.	Special Area 4 NE-17-32-1-W4	01-Mar-05	AEPEA(R) 140,113	The Company was licenced or otherwise authorized by the Alberta Energy and Utilities Board to operate a well. Alberta Environment has not issued a reclamation certificate, is of the opinion that work is necessary in order to conserve and reclaim the site, and is of the opinion that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigation Plan, submit and implement a Remedial Plan, submit and implement a Reclamation Plan, and apply for a reclamation certificate once the criteria has been met.
Tartan Energy Inc.	Sturgeon County 21-57-25-W4 16-57-25-W4	16-Mar-05	AEPEA(R) 140,113	The Company through its predecessor, entered into a 1994 purchase and sales agreement with Legal Oil and Gas Ltd. for the purchase of wells and batteries. The Company ceased production from the sites, which triggered the duty of the Company to reclaim the site. Alberta Environment ("AENV") has not issued a reclamation certificate. The Company is licenced or otherwise authorized by the Energy and Utilities Board ("EUB") to operate wells. Site 10 of 16, AENV confirmed both on and off lease contamination. The EUB issued an abandonment order. The Alberta Orphan Well Association ("OWA") is addressing the remediation and reclamation work required for the area adjacent to the site.

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Environmental Protection Orders				
				The Company submitted a proposed reclamation plan, AENV agreed with the Company's submission, and met with the Company to discuss the reclamation efforts that have taken place. A modified reclamation plan was submitted by the Company and as of this date no further reclamation efforts have been conducted by the Company. Site 11 of 16, the EUB issued an abandonment order. The Company submitted a Phase I Environmental Site assessment, and a Phase II Environmental Site assessment. AENV met with the Company to discuss the status of the reclamation and remediation work, and to date no further reclamation efforts have been conducted by the Company. Site 14 of 16, the EUB has issued an abandonment order. The Company submitted a Phase I Environmental Site assessment, and a Phase II Environmental Site assessment. AENV met with the Company and as of this date no further reclamation efforts have been conducted by the Company. Site 3 of 21, EUB issued an abandonment order. The OWA is addressing the remediation and reclamation work required for the area. The Company submitted a Reclamation Plan and a Revised Reclamation Plan. AENV met with the Company to discuss a dispute about the lease size and reclamation efforts that have taken place. AENV agreed with the Company's submission that the Company would be responsible for reclamation, and as of this date no further reclamation efforts have been conducted by the Company. Site 7 of 21, AENV confirmed both on and off lease contamination. The EUB issued an abandonment order, and the OWA is addressing the remediation and reclamation work required for the area. The Company submitted a Reclamation Plan and a Revised Reclamation Plan, and it began reclamation efforts. AENV agreed with the Company's submission that it would be responsible for reclamation. AENV met with the Company to discuss the reclamation efforts that have taken place, and it submitted a Long Term Remediation Action Plan. The majority of the reclamation has been completed although further testing and reclamation is required to meet criteria. The OWA provided information of a pipeline associated with the site that has caused contamination, this has not been addressed by the Company, and as of this date no further reclamation efforts have been conducted by the Company. AENV is of the opinion that the Company has a duty to reclaim the sites and that as a reclamation certificate has not been issued for the sites as of the date of this

Environmental Protection Orders

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				Order, that work is necessary in order to conserve and reclaim the sites. AENV is also of the opinion that a release of a substance has occurred or may occur at all of the sites, and that the release may cause an adverse effect. The Company shall submit and implement an Investigative Plan, submit and implement a Remedial Plan; submit and implement a Reclamation Plan; and apply for a reclamation certificate once it has met the criteria. Notice of Appeal filed 29 March 2005.
Tartan Energy Inc.	Sturgeon County 16-57-25-W4 21-57-25-W4	16-Mar-05	AEPEA(R) 140,113	The Company, through its predecessor entered into a 1994 purchase and sales agreement with Legal Oil and Gas Ltd. for the purchase of wells and a battery. The Company submitted to the Alberta Energy and Utilities Board ("EUB") a well licence transfer application for the wells. The application was closed by the EUB when the Company failed to meet the conditions of the transfer. The EUB issued an abandonment order. The Company ceased production from the sites which triggered the duty of the Company to reclaim the site. Alberta Environment ("AENV") has not issued a reclamation certificate. Site 15 of 16, AENV took surficial soil samples, and the final results identified exceedances in hydrocarbon contamination and salt contamination. As of this date no further reclamation efforts have been conducted by the Company. Site 10 of 21, AENV took surficial soil samples, and the final results identified exceedances in hydrocarbon contamination and salt contamination. The Company has not conducted any reclamation efforts. AENV is of the opinion that the Company has a duty to reclaim the sites and that as a reclamation certificate has not been issued for the sites as of the date of this Order, and that work is necessary in order to conserve and reclaim the sites. AENV is also of the opinion that a release of a substance has occurred or may occur at all of the above noted sites, and that the release may cause an adverse effect. The Company shall submit and implement an Investigative Plan; submit and implement a Remedial Plan; submit and implement a Reclamation Plan; and apply for a reclamation certificate for each of the sites once it has met the criteria. Notice of Appeal filed 29 March 2005.

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Prosecutions				
Magna IV Engineering Calgary Ltd.		06-Jan-05 Penalty: $20,125.00	AEPEA 192/96;11(1)(d)	Count 8: Co-accused "Cambridge Shopping Centres Limited" On or about the 2nd day of August, 2001, at or near the City of Calgary in the Province of Alberta, did unlawfully fail to store hazardous waste, to wit: transformer oil containing polychlorinated biphenyls, in an amount and in a manner so that, the hazardous waste is adequately labeled, stating the identity of the hazardous waste that is being stored, and did thereby commit an offence contrary to Section 11(1)(d) of the Waste Control Regulation. The Company pled guilty 19 October 2004. On 6 January 2005, the Company was sentenced to a fine of $20,125.00. Fine paid 23 March 2005.
Fear, Bryan		28-Jan-05 Penalty: $1,000.00	AEPEA(R) 192/96;18(1)(a)	Count 9: Co-accused "Coverall Coveralls Inc." Charge amended on 28 January 2005 to read as follows: On or about the 5th day of June 2003, at or near Acme, in the Province of Alberta, did unlawfully fail to store a hazardous recyclable in an amount and in a manner so that it will not cause an adverse effect, so that at least secondary containment is provided for liquid hazardous recyclables, so that the hazardous recyclable is stored in a place that is secure from entry by unauthorized persons and is provided with operators trained to respond to emergency situations specific to the hazardous recyclables, contrary to Section 18 of the Waste Control Regulation, A.R. 192/96. Mr. Fear pled guilty 28 January 2005 and was sentenced to a fine of $1,000. In addition, a creative sentencing order was issued against Bryan Fear, in that he shall not handle hazardous wastes or recyclables in Alberta for commercial gain for the period 28 January 2005 to 7 January 2007, either in his personal capacity or as an owner or operator of the business; and he shall not allow or permit or direct any current or future agent or employee to handle hazardous wastes or recyclables in Alberta for commercial gain for the period of 28 January 2005 to 27 January 2005.
Lac Ste. Anne County		04-Feb-05 Penalty: $5,000.00	AEPEA(R) 176	Count 3: On or about the 7th day of May 2002 at or near Sangudo, in the Province of Alberta, did unlawfully dispose of waste other than at a waste management facility, or in a container the contents of which will be taken to a waste management facility, that is the subject of an appropriate approval,

Prosecutions

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				registration or notice required under the Environmental Protection and Enhancement Act or in accordance with the written authorization of the Director, contrary to section 176 of the Environmental Protection and Enhancement Act. The County pled guilty on 13 December 2004. Sentenced to a fine of $5,000 on 4 February 2005. Fine paid 4 February 2005.
Van De Ligt, Arnold	Sturgeon County	17-Mar-05 Penalty: $7,500.00	AEPEA(R) 227(c)	Count 1: On or between the 21st day of June, 2003 and the 24th day of June, 2003, at or near Ft. Saskatchewan in the Province of Alberta, did fail to provide information as required under the Environmental Protection and Enhancement Act, and did thereby commit an offence contrary to Section 227(c) of the Environmental Protection and Enhancement Act. Mr. Van De Ligt pled guilty 11 February 2005 and was sentenced to a fine of $7,500 on 17 March 2005.

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		Tickets		
Bonneau, Darren	Lethbridge	18-Jan-05 Penalty: $57.00	AEPEA(R) 179(1)	Mr. Bonneau improperly disposed of waste on a highway. On 18 January 2005, Mr. Bonneau pled guilty and the Court reduced the penalty to $57.00.

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Warning Letters				
Al-Kass Consulting Ltd.	County of Wetaskiwin NW-5-45-7-W5	04-Jan-05	WA 49(1)	The Company diverted water from Rose Creek without a licence.
Terry's Lease Maintenance Ltd.	Sylvan Lake NE-34-38-1-W5	05-Jan-05	AEPEA(R) 163(1)(a)	The Company unlawfully mixed the pesticides Round-Up and Tordon 22K.
Little Dipper Holdings Ltd.	Calgary Plan 2474JK, Block 1, Lot 15	18-Jan-05	AEPEA(R) 176	The Company disposed of approximately 3000 litres of used oil from a tanker unit without the proper authorization.
Devon Canada Corporation	MD of Smoky River 1-77-21-W5	24-Jan-05	AEPEA(R) 61	The Company operated the Donnelly sour gas plant without an approval.
Koberstein, Brian	Westlock County NW-19-59-1-W5	03-Feb-05	AEPEA(R) 43/97;3(1)	Mr. Koberstein applied a Schedule 2 pesticide, Roundup, on land owned by another party without being the holder of the appropriate class of applicator certificate nor working under the direct supervision of a certified pesticide applicator at the time.
MGV Energy Inc.	MD of Rocky View SW-3-28-26-W4	04-Feb-05	WA 49(1)	The Company diverted water from an unapproved dugout without a licence.
Newpark Canada Inc. operating as Newpark Environmental Service	MD of Rocky View SW-3-28-26-W4	04-Feb-05	WA 49(1)	The Company diverted water from an unapproved dugout without a licence.
Rocky View School Division No. 41	MD of Rocky View Plan 8410145, Block 1MSR	04-Feb-05	AEPEA(R) 110(1)	The Rocky View School Division No. 41 failed to immediately report overflow of wastewater from the wastewater stabilization pond to the environment, and it failed to immediately report the release of untreated wastewater line break near the curling rink.
Suncor Energy Inc.	MD of Wood Buffalo 25-92-10-W4	09-Feb-05	AEPEA(R) 227(e)	The Company operates an Oil Sands Processing Plant and Mine near Fort McMurray pursuant to an Approval. It contravened its Approval when the free

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Warning Letters

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				chlorine residual was low in treated water in the clearwell.
TransAlta Energy Corporation	MD of Wood Buffalo 25-92-10-W4	09-Feb-05	AEPEA(R) 227(e)	The company is the operator of an Oil Sands Processing Plant and Mine near Fort McMurray. It contravened the Approval for the facility when the free chlorine residual was low in treated water in the clearwell.
Bonnyville Air Services (1980) Ltd.	MD of Bonnyville NW-27-61-6-W4	28-Feb-05	AEPEA(R) 24/97;5(1)(a)	The Company applied a pesticide in a manner that caused an adverse effect.
Ole Farms Ltd.	County of Athabasca SW-7-65-23-W4	28-Feb-05	AEPEA(R) 24/97;5(1)(a)	The Company applied a pesticide in a manner that caused an adverse effect.
Apache Canada Ltd.	MD of Clear Hills 29-96-11-W6	14-Mar-05	AEPEA(R) 227(e)	The Company operates the Hamburg sour gas plant pursuant to an Approval. It contravened its Approval when it submitted the 2003 Annual Summary and Evaluation Report late. In addition, this approval contravention was not immediately reported by telephone to Alberta Environment as is also required by the Approval.
Imperial Oil Resources Limited	MD of Foothills 4-21-4-W5	14-Mar-05	AEPEA(R) 227(e)	The Company operates the Quirk Creek sour gas plant pursuant to an Approval. It contravened its Approval by failing to determine, on a continuous basis, the concentration of SO2 emitted from the SRU incinerator and failed to immediately notify Alberta Environment of an Approval contravention.
Corne Van Bedaf	Leduc County SE-13-49-27-W4	29-Mar-05	WA 142(1)(e)	The parties failed to comply with a condition of the Licence, which requires that specified reporting information was required on or before 31 January 2005.
Connie Van Bedaf	Leduc County SE-13-49-27-W4	29-Mar-05	WA 142(1)(e)	SEE DETAILS: "Van Bedaf, Corne"
Mr. Mike's Vac Services Inc.	Airdrie	29-Mar-05	AEPEA(R)	The Company deposited liquid wastes from a truck to private land without

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Warning Letters

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	Plan 8311887, Block 1, Lot 3		179(2),182	agreement from the landowner, and it deposited wastes on a roadway.
Makin' Trax Inc. operating as Smitty's Septic Service	Vulcan County SW-15-18-26-W4	29-Mar-05	AEPEA(R) 176	The Company disposed of septic wastes on land without authorization.
Methanex Corporation	Medicine Hat SW-14-13-6-W4	29-Mar-05	AEPEA(R) 61,227(e)	The Company operates the Medicine Hat methanol plant for the manufacturing of chemical products pursuant to an Approval. It did not apply for an Approval amendment prior to decommissioning plant units 1 and 2; and it reclaimed a chemical manufacturing plant without having first obtained an approval.
Waste Management of Canada Corporation	County of Stettler 25-35-21-W4	29-Mar-05	AEPEA(R) 227(e)	The Company improperly disposed of liquid waste when barrels containing liquid waste from an asbestos removal operation were crushed into the landfill.

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Water Management Order				
No Activity				